

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAY 31 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

KELLY KAY CALKINS,

Plaintiff,

vs.

GRANT MORRISON, KEVIN
IFFLAND, RICH ST. JOHN, and
BILLINGS POLICE DEPARTMENT,

Defendants.

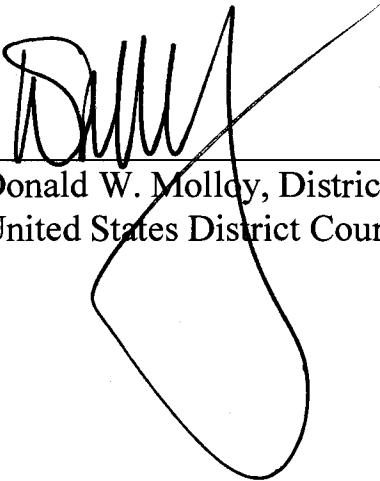
CV 16-169-BLG-DWM-JCL

ORDER

United States Magistrate Judge Lynch entered a Findings and Recommendation on May 1, 2017, recommending the Court dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 11.) Because Plaintiff Kelly Kay Calkins did not file objections, Judge Lynch's conclusions are reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for S. Cal.*, 508 U.S. 602, 623 (1993) (internal quotation marks omitted).

Calkins has failed to show good cause for the failure to serve Defendants in this action. Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 11) is ADOPTED-IN-FULL. This action is DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 4(m).

DATED this 31st day of May, 2017.



Donald W. Molloy, District Judge
United States District Court